

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1. ANTHONY CORRENTE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. <u>CIV-17-1045-M</u>
	)	(Formerly Oklahoma County
	)	Case No. CV-2017-600)
1. LINGO CONSTRUCTION	)	
SERVICES, INC.,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant, Lingo Construction Services, Inc. (“Lingo”), hereby removes this action from the District Court of Oklahoma County, Oklahoma, where it was filed as Cause No. CV-2017-600, styled *Anthony Corrente v. Lingo Construction Services, Inc.*, in the Judicial District Court of Oklahoma County, Oklahoma to the United States District Court for the Western District of Oklahoma. As the grounds for removal, Lingo states as follows:

1. Plaintiff filed his Petition in this matter on March 23, 2017 in the district court of Oklahoma County, Oklahoma, which is located within the Western District of Oklahoma. Plaintiff’s petition alleges a claim for violation of the federal Age Discrimination in Employment Act, 29 U.S.C. §621, *et seq.* and the Oklahoma Anti-discrimination Act.

2. Lingo was served with the Summons and Petition on September 11, 2017.

3. A copy of the state court docket sheet is attached hereto as Exhibit “1.” A copy of Plaintiff’s Petition is attached hereto as Exhibit “2.” A copy of the Summons is attached hereto as Exhibit “3.” Exhibits 2 and 3 constitute all of the documents filed in the state court matter.

4. This is a civil action over which this Court has subject matter jurisdiction under the provisions of 28 U.S.C. § 1331. Plaintiff asserts claims for an alleged violation of the Age Discrimination in Employment Act, 29 U.S.C §621, *et seq.* as his first cause of action. *See* Plaintiff’s Petition, Exhibit “2,” paragraphs 3, 12 and 13. This claim arises under the laws of the United States and involves a federal question. Therefore, this Court has jurisdiction under 28 U.S.C. § 1331, and this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441.

5. This Notice of Removal is timely because it is filed within thirty (30) days from the date Lingo received a copy of the Petition. *See* 28 U.S.C. § 1446(b).

6. The Plaintiff is represented by Patricia Anne Podolec of the Foshee & Yaffe Law Firm, with offices located at 12231 South May Avenue, Oklahoma City, Oklahoma, 73189.

7. As required by 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being filed this day with the Clerk of the District Court of Oklahoma County, Oklahoma.

WHEREFORE, Lingo Construction Services, Inc. requests that this Court assume jurisdiction over this controversy and that this matter proceed in the United States District Court for the Western District of Oklahoma from this day forward.

Respectfully submitted,

s/ Nathan L. Whatley

Nathan L. Whatley, OBA # 14601

MCAFEE & TAFT

A Professional Corporation

Two Leadership Square, 10<sup>th</sup> Floor

211 North Robinson

Oklahoma City, OK 73102-7103

Telephone: (405) 235-9621

Facsimile: (405) 235-0439

nathan.whatley@mcafeetaft.com

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> day of October, 2017, that a true, exact and correct copy of the foregoing document, was mailed by U.S. mail, to the following:

Patricia Anne Podolec, OBA #21325

Foshee & Yaffe

12231 South May Avenue

P.O. Box 890420

Oklahoma City, OK 73189

[ppodolec@fosheeyaffe.com](mailto:ppodolec@fosheeyaffe.com)

**ATTORNEYS FOR PLAINTIFF**

s/Nathan L. Whatley

Nathan L. Whatley